

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DEBRA TOMASEVICH,

Case No. 1:21-cv-01765-DAD-SKO

Plaintiff,

**ORDER DENYING WITHOUT  
PREJUDICE CONFIDENTIALITY AND  
PROTECTIVE ORDER**

v.

AMERICAN MEDICAL SYSTEMS, INC.,

(Doc. 9)

Defendant.

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**I. INTRODUCTION**

On March 16, 2022, the parties filed a request seeking Court approval of their stipulated confidentiality and protective order. (Doc. 9.) The Court has reviewed the proposed protective order and has determined that, in its current form, it cannot be granted. For the reasons set forth below, the Court DENIES *without prejudice* the parties' request to approve the stipulated confidentiality and protective order.

**II. DISCUSSION**

**A. The Protective Order Does Not Comply with Local Rule 141.1(c)**

The proposed protective order does not comply with Rule 141.1 of the Local Rules of the United States District Court, Eastern District of California. Pursuant to Rule 141.1(c), any proposed protective order submitted by the parties must contain the following provisions:

- (1) A description of the types of information eligible for protection under the order, with the description provided in general terms sufficient to reveal the nature of the information (e.g., customer list, formula for soda, diary of a troubled child);
- (2) A showing of particularized need for protection as to each category of information proposed to be covered by the order; and
- (3) A showing as to why the need for protection should be addressed by a court order, as opposed to a private agreement between or among the parties.

1 Local Rule 141.1(c).

2 The proposed protective order seeks to cover “any material the producing party believes in  
3 good faith constitutes or discloses information that qualifies for protection, *including but not limited*  
4 *to*, deposition and trial testimony/transcripts and exhibits thereto, and specifically information that  
5 is trade secret or other confidential research, development, or commercial information, and materials  
6 that are deemed confidential under Federal Drug Administration (“FDA”) regulations and Health  
7 Insurance Portability and Accountability Act (“HIPAA”) statutes and/or regulations.” (Doc. 9 at 3,  
8 emphasis added.)

9 With its inclusion of the phrase “but not limited to,” the proposed protective order fails to  
10 comply with Local Rule 141.1(c)(1), which requires “[a] description of the types of information  
11 eligible for protection under the order, with the description provided in general terms sufficient to  
12 reveal the nature of the information.” Without any additional qualification to the phrase “but not  
13 limited to” or the removal thereof, the proposed protective order does not sufficiently identify the  
14 types of information eligible for protection.

15 **B. The Parties’ Stipulated Protective Order is Denied Without Prejudice**

16 The parties may re-file a revised proposed stipulated confidentiality and protective order that  
17 complies with Local Rule 141.1(c) and corrects the deficiency set forth in this order.

18 **III. CONCLUSION AND ORDER**

19 Based on the foregoing, IT IS HEREBY ORDERED that the parties’ request for approval of  
20 the confidentiality and protective order (Doc. 9) is DENIED without prejudice to renewing the  
21 request.

22  
23 IT IS SO ORDERED.

24 Dated: March 16, 2022

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE